

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TERRELL CLARK

Plaintiff

V.

WARDEN LINDA GETER, ET AL.

Defendants

No. 5:20-cv-00009-RWS-CMC

ORDER

Plaintiff Terrell Clark, a former inmate of the Federal Correctional Institution in Texarkana, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

The online records of the Federal Bureau of Prisons show Plaintiff was released from confinement on May 18, 2021. To date, he has not advised the Court of his current mailing address or present whereabouts.

On September 2, 2021, the Magistrate Judge issued a Report recommending dismissal of the lawsuit without prejudice for failure to prosecute. Docket No. 12. A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but was returned as undeliverable. Docket No. 13. The docket reflects on January 17, 2020, Plaintiff was furnished a copy of guidelines for *pro se* litigants by the Clerk, including information regarding reporting a change of address to the Court.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations. Except upon grounds of plain error, Plaintiff is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 12) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 21st day of January, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE